

Sexual Orientation in the Workplace: Questions and Answers

What is Sexual Orientation?

Everyone has a sexual orientation. The American Psychological Association (APA) defines sexual orientation as an emotional or affectional attraction to another person. This includes heterosexuality (attraction to the opposite sex), homosexuality (attraction to the same sex) and bisexuality (attraction to either sex). A person's sexual orientation emerges during adolescent development and is not the result of a conscious choice. The APA states that individuals can choose whether or not to act on their feelings, but cannot voluntarily change from one orientation to another.

Why is sexual orientation a workplace issue at USDA?

Employees should expect to find a diversity of sexual orientations at USDA. In the past, it was common practice to fire or to refuse to hire suspected homosexuals in the Federal workplace. Employees have been physically threatened, verbally abused, and subjected to hostile working conditions. Laws and policies have changed, and all USDA employees need to be aware of their responsibility to prevent this form of discrimination and to ensure that gay, lesbian, bisexual and transgender (GLBT) individuals are an accepted and valued part of the diverse USDA workforce.

Why do some people need to talk about their sexual orientation at work?

Sharing aspects of one's personal life with coworkers is a normal part of everyone's workday. Conversations about spouses, friends and family help form bonds of mutual respect and trust that support a productive workplace. Unfortunately, many GLBT employees do not discuss their personal life at work for fear that they will be rejected, harassed or threatened by other employees, thereby damaging their opportunities for advancement and promotion. Therefore, in order to be productive employees, it is important for GLBT individuals to be comfortable to "come out" by sharing information about their orientation and family life with their coworkers.

What if my religion says that homosexuality is morally wrong?

The USDA workforce includes a diversity of religious views, and discrimination on the basis of religion is prohibited in the Federal workplace. This means that no one can or should ask an employee to change his or her religious beliefs on homosexuality. Conversely, this also means that religious objections to homosexuality cannot be imposed on other coworkers or be used to obstruct nondiscrimination laws, policies, and diversity activities.

What are the laws and policies that prohibit sexual orientation discrimination at USDA?

- The 1978 Civil Service Reform Act states that Federal Agencies cannot "discriminate for or against any employee or applicant for employment on the basis of conduct which does not adversely affect the performance of the employee or applicant or the performance of others" [5 USC 2302(b)].
- Presidential Executive Order 13087, issued in 1998, provides for "a uniform policy for the Federal government to prohibit discrimination based on sexual orientation."
- The Secretary's Civil Rights Policy Statement has prohibited sexual orientation discrimination at USDA since 1993.

What should I do if I believe I have been discriminated against because of my sexual orientation?

There are five avenues of redress available to a Federal employee who wishes to resolve a conflict or file a complaint of discrimination based on sexual orientation: (1) Alternative Dispute Resolution; (2) Agency discrimination complaint procedure; (3) Agency or Union grievance procedure; (4) Office of Special Counsel; and (5) appeals to the Merit Systems Protection Board (for allegations involving personnel actions that are otherwise appealable to the Board). The employee who wishes to pursue conflict resolution or file a discrimination complaint using one of the above options should contact his or her Agency's Office of Civil Rights to learn how the Program operates in his/her agency.

Does USDA offer domestic partner benefits?

GLBT employees of USDA can share some Federal employee benefits with their domestic partners. For example, domestic partners can be designated as beneficiaries of an employee's Thrift Savings Plan and life insurance policies if the employee files the appropriate beneficiary forms. Health insurance, retirement, and long-term health care benefits cannot be shared with an employee's domestic partner by law and regulation.

What can I do to make USDA a better workplace for GLBT employees?

GLBT coworkers should be welcomed and valued members of your work unit. Acts of harassment or threats against GLBT employees should be reported immediately to your manager. Employees should refrain from GLBT jokes and negative comments. An individual's sexual orientation should not be a factor in hiring, promotion, evaluation, and work assignment decisions. Finally, the Department needs the thoughtful attention of every member of the USDA family in order to create a work environment where GLBT employees are safe, respected, and able to share in the full responsibilities and benefits of employment.

Where can I go if I have further questions about sexual orientation issues at USDA?

- The USDA Secretary's Gay and Lesbian Employee Advisory Council web page:
<http://www.usda.gov/da/employ/USDA%20Council%20Files/gl.htm>
- Dr. T.J. Myers, Gay and Lesbian Employment Program Manager
USDA, OHRM, Whitten Building, Room 10B
1400 Independence Ave., SW, Washington, DC 20250
Phone: 202-720-9664 e-mail: thomasj.myers@usda.gov
- You can also contact your Agency's Civil Rights and Human Resources Offices for further information on complaint procedures, benefits, and local events and activities.
- USDA GLOBE (Gay, Lesbian, Bisexual and Transgender Employee Organization)
<http://www.lambda.net/~aglobe/index.html>

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